

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 KENNETH WARREN RHULE and  
14 KENNETH JOHN RHULE,

15 Defendants.

CASE NO. CR20-0105-JCC

ORDER

16 This matter comes before the Court on the parties' stipulated motion to continue trial  
17 (Dkt. No. 84).<sup>1</sup> Having thoroughly considered the parties' briefing and the relevant record, the  
18 Court hereby GRANTS the motion for the reasons explained herein.

19 Trial is currently scheduled for January 25, 2021. (See Dkt. No. 73.) The parties argue a  
20 continuance is necessary because the case is complex, the Government has produced over  
21 341,000 pages of discovery to Defendants, and defense counsel need additional time to examine  
22 the discovery, confer with their clients, and to effectively prepare pretrial motions and for trial.  
23 (See Dkt. No. 84 at 3.) The parties request that the Court schedule trial in April 2021. (*Id.* at 1.)

24 The Court also considers the context in which this motion arises. The COVID-19

25 <sup>1</sup> Defendant Kenneth John Rhule made a similar request on October 22, 2020. (See Dkt. No. 80.)  
26 Because the parties' stipulated motion seeks the same relief Mr. Rhule requested, the Court  
DENIES Mr. Rhule's response to the Court's previous order as moot.

1 pandemic continues to significantly impact the Court's operations. (See General Orders 01-20,  
2 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of which the Court incorporates by reference.)  
3 Specifically, the pandemic has made it difficult for the Court to obtain an adequate spectrum of  
4 jurors to represent a fair cross section of the community, and public health guidance has  
5 impacted the ability of jurors, witnesses, counsel, and Court staff to be present in the courtroom.  
6 (See generally *id.*)

7 Accordingly, the Court FINDS that the ends of justice served by continuing trial until  
8 April 2021 outweigh the best interests of Defendants and the public to a speedy trial. *See* 18  
9 U.S.C. § 3161(h)(7)(A). The reasons for this finding are:

- 10 1. Given the complexity of this case and the extraordinary volume of discovery, a failure  
11 to grant a continuance would deny Defendants' counsel reasonable time necessary for  
12 effective preparation. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
- 13 2. The COVID-19 pandemic has made it difficult for the Court to obtain an adequate  
14 spectrum of jurors to represent a fair cross section of the community, which would  
15 likely make proceeding with an earlier trial impossible or would result in a  
16 miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 17 3. Public health guidance has impacted the ability of jurors, witnesses, counsel, and  
18 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial  
19 would likely be impossible or would result in a miscarriage of justice. *See* 18 U.S.C.  
20 § 3161(h)(7)(B)(i).

21 Accordingly, the Court ORDERS:

- 22 1. The January 25, 2021 jury trial is CONTINUED until April 19, 2021 at 9:30 a.m.
- 23 2. The November 12, 2020 pretrial motions deadline is CONTINUED until March 1,  
24 2021.
- 25 3. The period from the date of this order until April 19, 2021 is an excludable time  
26 period under 18 U.S.C. § 3161(h)(7)(A).

1 DATED this 19th day of November 2020.  
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John C. Coughenour  
UNITED STATES DISTRICT JUDGE